

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN RE: LACK OF FACILITIES,
EQUIPMENT, STAFF PERSONNEL,
SUPPLIES, AND OTHER EXPENSES
OF THE MAGISTRATE DIVISION
PROVIDED BY THE CITIES OF
MERIDIAN AND GARDEN CITY IN
SUPPORT OF MAGISTRATE DIVISION

Case No. CV OT 1406552

**MEMORANDUM DECISION AND
ORDER FOR MERIDIAN AND GARDEN
CITY TO PROVIDE A PROPOSAL FOR
THE PROVISION BY THEM OF
ADEQUATE MAGISTRATE FACILITIES**

In 1994, pursuant to Idaho Code Section 1-2218 an *en banc* panel of the District Judges of the Fourth Judicial District ordered Meridian and Garden City (individually "City" and together "the Cities") to provide magistrate facilities to handle the citations and complaints generated from their respective jurisdictions.¹ Specifically, the panel required the Cities to:

"provide by October 1, 1994 suitable and adequate quarters for the magistrate's division of the Fourth Judicial District, including the facilities and equipment necessary to make the space provided functional for its intended use, and [to] provide for the staff personnel, supplies and other expenses of the magistrate's division."

The Cities took no action to comply with the 1994 Order and waited until after 2012 to challenge the Order, when the Court had once again reiterated that it required the Cities to comply with the 1994 Order. The latest challenge resulted in the Fourth Judicial District

¹ The City of Boise has been complying with an order to provide magistrate services since 1971. Because Boise is in compliance, it is not a party to this action.

adopting procedures² (“Rules”) for handling disputes about the suitability and adequacy of the magistrate facilities that the Cities may be ordered to provide. The Rules were approved by the Idaho Supreme Court. *See Order Adopting Local Rules*, Supreme Court Docket No. 40084-2012.

The Rules provide that following the entry of an order that a city provide adequate magistrate facilities, the city “shall submit a written proposal to the District Judge Panel for its approval outlining how it will comply with the Order.” Rule 3. On February 26, 2016, the Court issued an Order requiring the Cities to submit, no later June 1, 2016, “a proposal as to how the Cities intended to comply with the 1994 order requiring the Cities to provide adequate facilities.”

The Cities should have known what the Court’s February 26, 2016 Order required –an actual proposal for the provision of facilities. The Cities should have known this because they were told orally and in writing. They were told orally in a meeting between the Administrative District Judge and counsel for the Cities before the order issued³ and in writing –in the written list of criteria to make the facilities adequate that the Court provided to the Cities,⁴ in Rule 3, and in the February 26, 1996 Order itself.

When the Court ordered the Cities to deliver a proposal for providing adequate magistrate facilities, the Court expected the Cities to comply with the Court’s Order and Rule 3. Instead, the

² *Local Administrative Rules of Procedure for Compliance with an Order Issued Pursuant to I.C. § 1-2218*, June 16, 2014.

³ Counsel for Garden City acknowledged this in a letter to the Administrative District Judge, dated April 13, 2016, writing: “The Cities of Meridian and Garden City are in the process of preparing their proposals to the District Court’s Order to provide a plan to comply with the 1994 Order. The Cities took away from our last meeting with you that the scope of the services to be provided is infraction and non-jury trial misdemeanors.” This letter was also copied to the City of Meridian.

⁴ See Exhibit J to *Meridian and Garden City’s Joint Proposal Regarding Compliance with the 1994 Order*, filed June 1, 2016.

Cities took nearly four months to submit a filing that does not even attempt to comply with the Court's Order or the Rule.

In their filing, rather than presenting a plan for the provision of magistrate facilities, the Cities request various forms of relief from the Court's 1994 order. First, the Cities asked the Court to find that the Cities have met their obligations under the 1994 Order through Ada County's construction of the Front Street facilities.⁵ The Court denies this request.

Next, the Cities ask the Court to relieve them of any obligation to provide facilities because their residents pay Ada County taxes that pay for the Ada County Courthouse.⁶ This request is also denied.

Finally, if the Court denies the other relief requested, the Cities invite the Court to enter a specific finding that there is a current need for the construction of two new courthouses, one in Garden City and one in Meridian. Based on the record currently before it, the Court will not accept the Cities' invitation to find that the Cities must construct two additional courthouses. The Cities may opt to build one or more such courthouses to meet each of their respective obligations, or they may elect to enter into an agreement with Ada County to provide those

⁵ The Cities argue that the need for the 1994 Order was remedied by Ada County's construction of the current courthouse facilities on Front Street. The reason for the original 1994 Order was that it was "no longer reasonable for the City of Boise and Ada County to bear sole financial responsibility for processing of citations and complaints issued by other municipalities" given the volume of that work. *See* 1994 Order. That logic applies even more today.

Further, the Idaho Supreme Court has previously held that the construction of the new Ada County Courthouse did not constitute a substantial change of circumstances sufficient to relieve the City of Boise from its § 1-2218 obligations. *City of Boise v. Ada County*, 147 Idaho 794, 810, 215 P.3d 514 (2009) ("Nothing in Section 1-2218 requires the district judges to find that existing county facilities are unsuitable or inadequate or that a separate facility is necessary before issuing a Section 1-2218 order."). Likewise, the new Courthouse does not alter the Cities' respective obligations under the 1994 Order.

⁶ This argument ignores the very essence of the legislative construct and purpose behind I.C. § 1-2218. It also ignores the fact that Boise's residents are paying a disproportionately higher burden for magistrate facilities. Boise residents pay for the cost of magistrate facilities for Boise and for other unincorporated and incorporated areas in Ada County, including Meridian and Garden City. In contrast, the residents of Meridian and Garden City pay only for those same costs, less the cost of magistrate facilities for Boise.

facilities, as Boise has done, or they may present some other good faith proposal for the provision of adequate facilities acceptable to the Court. It continues to be each City's obligation to make a good faith proposal as to how it will comply with the 1994 Order. It is then up to this Court to determine if each respective proposal is adequate. The Cities have failed to comply with this Court's order to present such a good faith proposal.

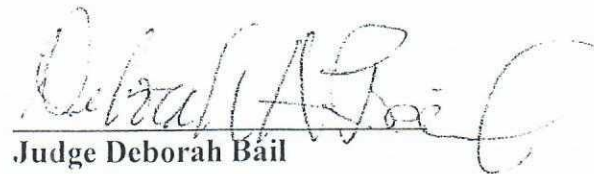
Accordingly, IT IS HEREBY ORDERED, AND THIS DOES ORDER:

- (1) The Cities shall have until August 31, 2016 to deliver to the Court a good faith proposal for the Cities' provision of adequate magistrate facilities;⁷
- (2) Within five (5) days of the date of this Order, each City must provide the Administrative District Judge its availability for a hearing on the proposal to be submitted pursuant to this Order, with such hearing to be held on one of the following afternoons: Friday October 7, 28 or November 4, 2016;
- (3) The Administrative District Judge will cause public notice to be given of the date and time selected for the hearing;
- (4) Ada County or any other interested Party will have until September 17, 2016 to submit any objection to the Cities' plans; and
- (5) A scheduling order will be issued in due course setting forth other deadlines and pre-hearing requirements of the Cities and other interested Parties, including for the submission of proposed witnesses and testimony.

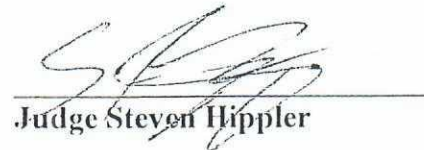
⁷ This is at least the second time the Cities have been ordered to deliver such a proposal. As discussed herein, the Cities failed to comply with the Court's latest Order dated February 26, 2016. Accordingly, the failure again to submit a good faith proposal for the provision of magistrate facilities may result in a City being held in civil contempt until such time that it does comply.

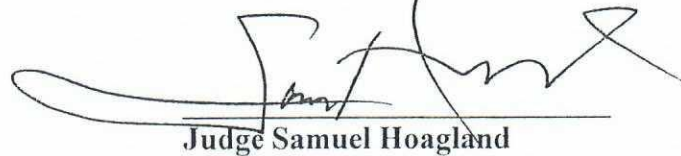
IT IS SO ORDERED by the *en banc* panel.

DATED this 2nd day of August, 2016.


Judge Deborah Bail


Judge Timothy Hansen

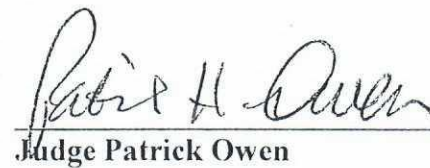

Judge Steven Hippler

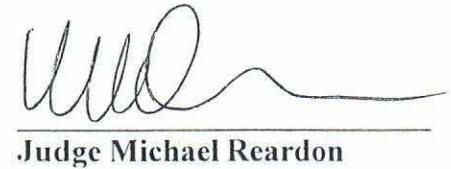

Judge Samuel Hoagland


Judge Jonathan Medema


Judge Melissa Moody


Judge Lynn Norton


Judge Patrick Owen


Judge Michael Reardon

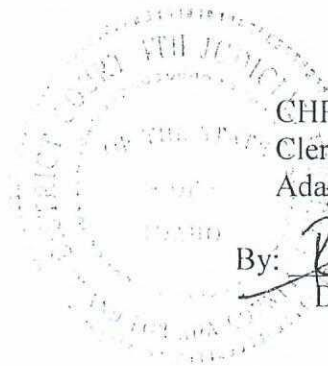
CERTIFICATE OF MAILING

I, Christopher D. Rich, the undersigned authority, do hereby certify that I have mailed, by United States Mail, on this 2nd day of August, 2016, one copy of the ORDER as notice pursuant to Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed as follows:

ADA COUNTY PROSECUTING ATTORNEY
JAN M. BENNETTS
THEODORE E. ARGYLE
LORNA K. JORGENSEN
CIVIL DIVISION
200 W. FRONT STREET, ROOM 3191
BOISE, IDAHO 83702

MICHAEL W. MOORE
BRADY J. HALL
MOORE & ELIA, LLP
PO BOX 6756
BOISE, IDAHO 83707

FRANK WALKER
CHARLES L. WADAMS
GARDEN CITY ATTORNEY'S OFFICE
6015 GLENWOOD
GARDEN CITY, IDAHO 83714



CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

By: _____

Deputy Clerk